

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

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Acquisition of Land with Federal Assistance Under the Open Space Program

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Purpose

To establish a method to be followed in the acquisition of property for use as open space as required by the Housing and Urban Development Act of 1965 (Public Law 89-117) and Title VII of the Housing Act of 1961, as amended.

Background

The San Diego County General Plan 1990 included provision for three regional parks to be located at Guajome, Los Penasquitos and Sweetwater Reservoir. In order to acquire the necessary open space required for these regional parks, the County must apply for grant-in-aid, both from the State and Federal governments. The Federal grants have certain requirements attached to them which local governments must conform to in order to receive funds. This policy is established to so conform.

Policy

It is the policy of the Board of Supervisors that:

In cases of the acquisition of land under the Housing and Urban Development Act of 1965 (Public Law 89-117) and/or Title VII of the Housing Act of 1961, as amended, with Federal assistance under the Open Space Program, the County will:

1. Make every reasonable effort to acquire each property by negotiated purchase before instituting eminent domain proceedings against the property.
2. Not require any owner to surrender the right to possession of his/her property until the County pays, or causes to be paid, to the owner:
 - a. the agreed purchase price arrived at by negotiation, or
 - b. in any case where only the amount of the payment to the owner is in dispute, not less than 75% of the appraisal fair value as approved by the County and concurred in by the U.S. Department of Housing and Urban Development.
3. Not require any person lawfully occupying property to surrender possession without at least 90 days written notice from the County of the date on which possession will be required.

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Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

9-23-68 (95)

9-18-68 (CAO Letter)

6-23-69 (98)

6-20-89 (63)

12-5-95 (36)

08-07-02 (5)

CAO Reference

1. Department of Parks and Recreation